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by
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): John Schenk Assignee: XY, Inc.
 Serial No.: 09/478,299 Examiner: M. Meller
 Filing Date: January 5, 2000 Group Art Unit: 1651
 Title: Method of Cryopreserving Selected Sperm Cells

ASSISTANT COMMISSIONER FOR PATENTS
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RESPONSE TO RESTRICTION REQUIREMENT UNDER 35 U.S.C. § 121

Dear Sir:

This is in response to the Office Action dated May 26, 2000. This response is accompanied by a petition for an extension of time to extend the period to respond to the Office Action to October 26, 2000 and the appropriate fee under 37 C.F.R. § 1.16 and § 1.17. Accordingly this response is timely filed.

The Office Action dated May 26, 2000, requested that Applicant elect a species for prosecution on the merits as requested in the Restriction Requirement dated April 12, 2000. In the Restriction Requirement dated April 12, 2000, the Examiner stated that there were distinct inventions and required Applicants to elect one invention for prosecution on the merits. The distinct inventions, as set forth in the Restriction Requirement, are as follows:

- I. Claims 1-26 and 35, drawn to methods of making a product and a product by process, classified in class 435, subclass various.
- II. Claims 27-34, drawn to a product, classified in class 435, subclass 2; and